



HAGENS BERMAN

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September 17, 2021

**Via ECF**

The Honorable Stewart D. Aaron  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

ENDORSEMENT: The Court adopts the parties' proposed schedule as set forth in Exhibit A. Accordingly, the telephone conference scheduled for September 24, 2021 is canceled. SO ORDERED .

Dated: September 20, 2021

**Re: *In re ACTOS Antitrust Litig.* (13-cv-09244-RA-SDA)**

Dear Magistrate Judge Aaron:

We submit this letter on behalf of all parties in the above-captioned litigation to outline the parties' positions on proposed next steps and a proposed case schedule.

The parties have agreed upon a proposed case schedule through the close of expert discovery (attached as Exhibit A) which largely tracks the prior scheduling order.<sup>1</sup> Assuming this new schedule meets with Your Honor's approval, we would ask that it be entered. As for next steps, the parties intend to resume preparations for commencing fact discovery.

In light of the agreed-upon schedule, the parties submit that next week's status conference may not be necessary. However, we remain available for a telephone conference if the Court wishes.

Sincerely,

HAGENS BERMAN SOBOL SHAPIRO LLP

Greg Arnold

cc: Counsel of record

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<sup>1</sup> While the proposed schedule only goes through the close of expert discovery, the parties are expressly reserving the right to seek a firm trial date from the District Court.

**Exhibit A*****In Re Actos Antitrust Litigation***

13-cv-09244-RA-SDA

<b>Deadline in Prior Order</b>	<b>New Deadline</b>	<b>Event</b>
February 19, 2020	October 27, 2021	Commencement of rolling production although parties will begin exchanging organizational charts prior.
February 21, 2020	October 29, 2021	Deadline for reaching agreement on proposed custodians and search terms for identifying documents in response to already-served requests for production or raising the issue with the Court.
July 10, 2020	March 18, 2022	Deadline for substantial completion of production of documents
July 17, 2020	March 25, 2022	Deadline for Defendants' privilege logs for documents unrelated to advice of counsel defense and to identify persons whose documents were withheld and not logged because might be produced if privilege waived.
October 1, 2020	April 8, 2022	Deadline for Defendants to elect as to an advice of counsel defense. Deadline for producing documents related to such election. Deadline for revised privilege logs.
October 30, 2020	July 7, 2022	Deadline for any party to seek leave of court to amend pleadings or to add parties, claims or defenses.
January 29, 2021*	October 6, 2022	Close of Fact Discovery.
February 26, 2021	November 3, 2022	Plaintiffs to serve motions for class certification and expert reports (class only).
April 9, 2021	December 15, 2022	Defendants' opposition(s) to Plaintiffs' motion for class certification, corresponding expert reports. Defendants file any <i>Daubert</i> motions as to plaintiffs' class experts.
May 7, 2021	January 12, 2023	Plaintiffs to serve reply briefs in support of class certification and corresponding expert rebuttal reports, limited to responding to arguments raised in Defendants' opposition and corresponding expert reports. Plaintiffs to serve <i>Daubert</i> motions as to defendants' class experts. Plaintiffs to serve oppositions to the defendants' <i>Daubert</i> motions as to plaintiffs' class experts.
May 21, 2021	January 26, 2023	Defendants serve any replies on <i>Daubert</i> motions to plaintiffs class experts.
June 4, 2021	February 9, 2023	Defendants serve any opposition to plaintiffs' <i>Daubert</i> motions as to defendants' class experts.
June 11, 2021	February 16, 2023	Parties to serve merits expert reports on any issues on which they have the burden of proof.
June 18, 2021	February 23, 2023	Plaintiffs to serve any replies on plaintiffs' <i>Daubert</i> motions as to defendants' class experts.
July 30, 2021	April 6, 2023	Parties to serve responsive expert reports.
August 27, 2021	May 4, 2023	Parties to serve rebuttal merits expert reports. Rebuttal merits expert reports must be limited to responding to arguments raised in responsive expert reports.
October 1, 2021	June 8, 2023	Deadline to complete expert discovery.

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\*Requests for Admissions related to document authenticity and admissibility may be served up to 45 days prior to the commencement of trial.